

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Aprile Pilon et. al.

Serial No. : To be Assigned

Filed : August 25, 2003

Group Art Unit : 1647

Examiner : David S. Romeo

For: METHODS AND COMPOSITIONS FOR THE TREATMENT OF FIBROTIC CONDITIONS AND IMPAIRED LUNG FUNCTION AND TO ENHANCE LYMPHOCYTE PRODUCTION

Mail Stop New Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

## CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner for Patents, Alexandria, VA 22313-1450 on:

Date: August 25, 2003

Signature: H J. Cittone  
Henry J. Cittone

RENEWED PETITION TO MAKE SPECIAL

Sir:

Prior to examination of this application on the merits, Applicants hereby request that the above-identified application be made special in accordance with 37 C.F.R. § 1.102(d) for the reasons stated in the enclosed Petition to Make Special from the parent application, Ser. No. 09/949,926.

Respectfully submitted,

Date: August 25, 2003

By:



Robert E. Alderson, Jr.

Reg. No. 44,500

Attorney for Applicants

KRAMER, LEVIN, NAFTALIS & FRANKEL

919 Third Avenue

New York, New York 10022

(212) 715-9100 (tel) (212)715-800 (fax)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s) : Pilon et al.  
Serial No. : 09/949,926  
Filed : April 14, 2000  
For : METHODS & COMPOSITIONS FOR THE TREATMENT OF  
FIBROTIC CONDITIONS & IMPAIRED LUNG FUNCTION & TO  
ENHANCE LYMPHOCYTE PRODUCTION  
Group Art Unit : NOT YET ASSIGNED  
Examiner : NOT YET ASSIGNED

I hereby certify that this correspondence  
is being deposited with the United States  
Postal Service as first class mail in an  
envelope addressed to:  
Assistant Commissioner for Patents  
Washington, D.C. 20231, on June 28, 2000

Pamela C. Ancona, Reg. No. 41,494  
Name of Applicant, Assignee or Registered  
Representative

Pamela C. Ancona  
Signature

June 28, 2000  
Date of Signature

**PETITION TO MAKE SPECIAL**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Prior to examination of this application on the merits, Applicants hereby request that the  
above-identified application be made special in accordance with 37 C.F.R. § 1.102(d).

M.P.E.P. § 708.02 XII provides that Applicants who are small entities may request that their biotechnology application be granted "special" status upon the filing of a petition with the petition fee under 37 C.F.R. § 1.17(i). The petition must (a) state that small entity status has been established or include a statement establishing small entity status; (b) state that the subject of the patent application is a major asset of the small entity; and (c) state that the development of the technology will be significantly impaired if examination of the patent application is delayed, including an explanation of the basis for making the statement.

Therefore, in accordance with the foregoing requirements, small entity status has been established in this application, by virtue of the attached verified statement claiming small entity status, which was filed with the subject application on April 14, 2000. The small entity which is responsible for this application is Claragen, Inc. and the rights in and to the invention described in the instant application have been assigned to Claragen, Inc. by each of the inventors, as evidenced by the attached assignment (filed herewith).

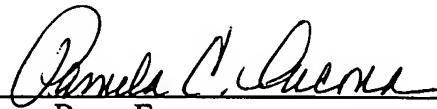
Further, the subject of the instant application, i.e., the use of human uteroglobin or recombinant human uteroglobin in the treatment of fibrotic conditions, to increase lymphocyte production *in vivo*, and to improve and/or normalize lung function, pulmonary compliance, blood oxygenation, and blood pH, is a major asset of the small entity, Claragen, Inc.

Finally, the development of the technology outlined in the instant application will be significantly impaired if examination of the patent application is delayed. In particular, Claragen needs the financial support of investors to develop the technology outlined in the instant application. However, in order to gain their support, Claragen must show that the technology is protected by an allowed or issued patent. Therefore, if the examination of this application is not expedited, the technology cannot be developed.

In view of the foregoing remarks and attachments, Applicants request that this application be granted "special" status in accordance with 37 C.F.R. § 1.102.

Respectfully submitted,

WHITMAN BREED ABBOTT & MORGAN, LLP  
200 Park Avenue, New York, NY 10166  
Attorneys for Applicants



---

Barry Evans  
Reg. No. 21,208  
Pamela C. Ancona  
Reg. No. 41,494  
(212) 351-3000